

## **REMARKS**

Claims 1 – 7, 9 – 18, 20, and 23 are in the application. Claims 1, 9, 20, and 23 were previously presented; claims 2 – 6, 21, and 22 are withdrawn; claims 8, 19, 24, and 25 are canceled; and claims 7, 8, and 10 – 18 remain unchanged from the original versions thereof. Claims 1, 20, and 23 are the independent claims herein. No new matter has been added to the application as a result of the amendments submitted herein.

### **Claim Rejections – 35 USC 103(a)**

Claims 1, 7 – 18, 20, and 23 were rejected under 35 USC 103(a) as being unpatentable over Freeman et al., U.S. 6,249,775 (hereinafter, Freeman). This rejection is respectfully traversed.

Applicant's claims 1 and 7 – 18 relate to a method to facilitate analysis of a commercial backed security (CMBS) portfolio. The recited method of independent claim 1 provides determining information associated with an additional mortgage loan to be added to the portfolio in accordance with a contribution of the additional mortgage loan to the portfolio, including at least one desired profitability value for the additional mortgage loan; calculating the loan spread associated with the additional mortgage loan in accordance with a contribution of the additional mortgage loan to the portfolio; and transmitting to a user terminal at least one loan spread value associated with the additional mortgage loan in accordance with a contribution of the additional mortgage loan to the portfolio via a communication network. Additionally, claim 1 includes calculating a combined profitability of the portfolio and the additional mortgage loan based on combined category sizes for the plurality of mortgage loans and the additional mortgage loan. Clearly, the claimed method recites and relates to determining information associated with an additional mortgage loan to be added to the portfolio in accordance with a contribution of the additional mortgage loan to the portfolio, and calculating a combined profitability of the portfolio and the additional mortgage loan

based on combined category sizes for the plurality of mortgage loans and the additional mortgage loan.

Applicant respectfully submits that the claimed aspects of determining information associated with an additional mortgage loan to be added to the portfolio in accordance with a contribution of the additional mortgage loan to the portfolio, and calculating a combined profitability of the portfolio and the additional mortgage loan based on combined category sizes for the plurality of mortgage loans and the additional mortgage loan is not disclosed or suggested. In particular and since claim 1 now includes aspects of the previous claim 8, Applicant notes that Freeman fails to disclose that which is claimed by Applicant or even suggest with any specificity the claimed combined profitability, (See Freeman col. 14, ln. 26-21)

The Office Action cites and relies upon Freeman for allegedly disclosing all aspects of claim 1 except for transmitting to a user terminal at least one loan spread value associated with the additional mortgage loan via a communication network. For this aspect of the claims, the Office Action cites and relies upon Official Notice.

Applicant respectfully submits that combining the Official Notice with the disclosure of Freeman does not render claim 1 obvious since the Official Notice fails to correct the shortcomings of Freeman.

Accordingly, Applicant respectfully submits that the cited and relied upon Freeman and Official Notice, in combination, do not disclose that for which they were cited and relied upon for disclosing. Combining the disclosure of Freeman with the alleged and relied upon Official Notice of “transmitting” fails to render claim 1 obvious.

Therefore, Applicant respectfully submits that claim 1 is patentable over the cited and relied upon Freeman and Official Notice under 35 USC 103(a) for at least the reasons discussed above. Furthermore, claims 7 - 18 depend from claim 1. Applicant respectfully submits that claims 7 – 18 are patentable over the cited and relied upon Freeman and Official Notice for at least the reasons discussed above regarding claim 1. Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 1 and 7 -18 and the allowance of same.

Claims 20 and 23 are worded similar to claim 1 regarding the additional mortgage loan to be added to the portfolio. Applicant respectfully submits that claims 20 and 23 are patentable over the cited and relied upon Freeman and Official Notice for at least reasons similar to those presented hereinabove regarding claim 1.

Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 20 and 23 and the allowance of same.

## **CONCLUSION**

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date

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